

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAVID SLOANE,)	
)	
Petitioner,)	
)	Civil Action No. 04-40075-DPW
v.)	
)	
DAVID L. WINN,)	
)	
Respondent.)	

LATE MOTION OF RESPONDENT
DAVID L. WINN TO EXCEED PAGE LIMIT

The Respondent David L. Winn, through his undersigned counsel hereby moves for leave to file a memorandum of approximately 31 pages in length in opposition to the Petition for habeas corpus and in support of his motion to dismiss. The undersigned counsel intended to file this motion on May 27, 2004, but because of an administrative oversight the motion was not filed then and the error was not noticed until today.

In support of the motion to exceed the page limit, the Respondent states that the Petition raises a number of issues that cannot adequately be addressed in 20 pages. First, the Petition challenges the legality of a Bureau of Prisons (“BOP”) regulation at 28 C.F.R. § 523.20 and a related BOP Program Statement insofar as they require that credit for good conduct time be calculated based on the time actually served by the prisoner, rather than the term of the sentence. Second, the Petition attacks the legality of a 2002 change in BOP practice regarding placement in community corrections centers. In this regard the Petition asserts that the change in practice is inconsistent with the relevant

statutory law; violates the Administrative Procedures Act; and violates his rights under the Ex Post Facto and Due Process Clauses of the Constitution.

The Respondent believes that the Court's consideration of these issues would benefit if a brief of approximately 31 pages were accepted.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ George B. Henderson, II
GEORGE B. HENDERSON, II
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June 4, 2004

617-748-3282

CERTIFICATE PURSUANT TO LR. 7.1(A)(2)

The Respondent takes the position that, because LR. 7.1(A)(2) requires "counsel" to confer, the Rule is inapplicable where, as here, plaintiff is proceeding pro se and is incarcerated. To the extent the Court considers the Rule applicable, the undersigned requests that it be waived here.

/s/ George B. Henderson, II
George B. Henderson, II

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon Petitioner David Sloane, Reg. No. 48083-066, FMC Devens Camp, P.O. Box 879, Ayer, MA 01432 by first class, postage prepaid mail on this date.

June 4, 2004

/s/ George B. Henderson
George B. Henderson, II